

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALFON BROWN,

Petitioner,

v.

SUPERINTENDENT KEVIN J. RANSOM, *et al,*

Respondents.

Civil Action No. 2:21-cv-288

Hon. William S. Stickman IV

Hon. Lisa Pupo Lenihan

ORDER OF COURT

AND NOW, this 7th day of July 2021, after Petitioner, Alfon Brown, filed a Petition for Writ of Habeas Corpus (ECF No. 9), and after a Report and Recommendation was filed by United States Magistrate Judge Lisa Pupo Lenihan recommending that the court dismiss the petition as an unauthorized second or successive petition over which the Court lacks jurisdiction and a certificate of appealability be denied (ECF No. 10), and after granting Petitioner a period of time to file written objections thereto (ECF No. 10), and upon consideration of the objections filed (ECF No. 11) and upon its independent de novo review of the record, the Court hereby ADOPTS Magistrate Judge Lenihan's Report and Recommendation as its Opinion. The Court agrees with her analysis and recommendations.

IT IS HEREBY ORDERED that Petitioner's Objections to the Report and Recommendation (ECF No. 11) are OVERRULED.

IT IS FURTHER ORDERED that the Petition (ECF No. 9) is dismissed, for lack of jurisdiction, as it is a successive petition for which Petitioner has not received authorization from

the Third Circuit Court of Appeals to file pursuant to 28 U.S.C. § 2244 as well as for the reasons set forth by Magistrate Judge Lenihan in her Report and Recommendation. (ECF No. 10).

IT IS FURTHER ORDERED that Petitioner's Motion to Stay Proceeding (ECF No. 12) is denied since the outcome of Petitioner's pending state post-conviction proceedings has no bearing on the fact that Petitioner would still have to seek and receive authorization from the Third Circuit before he could file a second or successive petition.

IT IS FURTHER ORDERED that because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied, accordingly Petitioner's Motion for a Certificate of Appealability (ECF No. 13) is denied.

AND IT IS FURTHER ORDERED that, pursuant to Federal Rule of Appellate Procedure 4(a)(1), if Petitioner desires to appeal from this Order he must do so within thirty (30) days by filing an appeal as provided for in Federal Rule of Appellate Procedure 3.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W S S IV", written over a horizontal line.

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE